



AN ACT REQUIRING THAT A SHERIFF DELIVERING A DEFENDANT TO A PLACE OF CONFINEMENT, COMMITMENT, OR EXECUTION SHALL ALSO DELIVER ALL INFORMATION IN THE SHERIFF'S POSSESSION REGARDING THE MENTAL AND PHYSICAL HEALTH OF THE DEFENDANT, INCLUDING HEALTH INFORMATION CONTAINED IN A PRESENTENCE INVESTIGATION REPORT; AND AMENDING SECTIONS 46-18-112 AND 46-19-101, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-18-112, MCA, is amended to read:

"46-18-112. Content of presentence investigation report. (1) Whenever an investigation is required, the probation officer shall promptly inquire into and report upon:

- (a) the defendant's characteristics, circumstances, needs, and potentialities;
- (b) the defendant's criminal record and social history;
- (c) the circumstances of the offense;
- (d) the time of the defendant's detention for the offenses charged;
- (e) the harm caused, as a result of the offense, to the victim, the victim's immediate family, and the community; and
- (f) the victim's pecuniary loss, if any. The officer shall make a reasonable effort to confer with the victim to ascertain whether the victim has sustained a pecuniary loss. If the victim is not available or declines to confer, the officer shall record that information in the report.

(2) All local and state mental and correctional institutions, courts, and law enforcement agencies shall furnish, upon request of the officer preparing a presentence investigation, the defendant's criminal record and other relevant information.

(3) The court may, in its discretion, require that the presentence investigation report include a physical and mental examination of the defendant.

(4) Upon sentencing, the court shall forward to the sheriff all information contained in the presentence

investigation report concerning the physical and mental health of the defendant, and the information must be delivered with the defendant as required in 46-19-101."

Section 2. Section 46-19-101, MCA, is amended to read:

"46-19-101. Commitment of defendant -- transfer of information in possession of sheriff. (1) Upon oral pronouncement of a sentence imposing punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report."

- END -

I hereby certify that the within bill,
SB 0035, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 35
INTRODUCED BY L. JENT
BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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